

**IN THE UNITED STATES BANKRUPTCY COURT FOR
THE NORTHERN DISTRICT OF MISSISSIPPI**

IN THE MATTER OF:

CHAPTER 13 CASE NO.:

FLORA HOYLE

19-10114-JDW

OBJECTION TO CONFIRMATION

COMES NOW Locke D. Barkley, Chapter 13 Trustee, by and through counsel, and files this Objection to Confirmation (the "Objection") and in support states as follows:

1. The Debtor initiated this proceeding with the filing of a voluntary petition for relief on January 10, 2019. The Chapter 13 plan (Dkt. #2) (the "Plan") was filed that same day.

2. The Debtor is below median income and has proposed a plan term of 60 months with no distribution to nonpriority unsecured creditors.

3. The Debtor has not provided the Trustee with a copy of her 2018 Federal tax return as required by §521(e)(2)(A)(i).

4. Section 3.2 of the Plan provides that the claim of OneMain Financial will be paid a value for its claim secured by a 2000 Oldsmobile Alero. At the Section 341(a) Meeting of Creditors the Debtor testified that she no longer has the vehicle. There is no basis for the claim to be treated as secured. The Plan must be amended.

5. On February 14, 2019, 1st Franklin Financial Corp. filed its Proof of Claim (Clm. #10) in the amount of \$9,539.43 which is secured by personal property of the Debtor which the creditor valued at \$3,500.00. The Plan does not contain a provision for this secured claim and, therefore, must be amended.

6. The Trustee requests that confirmation of the Plan be denied. Should the Debtor be delinquent in plan payments at the time of the hearing on this Objection, the Trustee also requests that the bankruptcy case be dismissed.

WHEREFORE, PREMISES CONSIDERED, Locke D. Barkley, Chapter 13 Trustee, prays that upon notice and hearing that this Court enter its order sustaining the Trustee's Objection and for such other relief to which the Trustee and this bankruptcy estate may be entitled.

Dated: February 21, 2019

Respectfully submitted,
LOCKE D. BARKLEY, TRUSTEE

BY: /s/ W. Jeffrey Collier
W. JEFFREY COLLIER, ESQ.
Attorney for Trustee
6360 I-55 North, Suite 140
Jackson, Mississippi 39211
(601) 355-6661
ssmith@barkley13.com
MSB No. 10645

CERTIFICATE OF SERVICE

I, the undersigned attorney for the Trustee, do hereby certify that I electronically filed the foregoing with the Clerk of Court using the CM/ECF system, and I hereby certify that I either mailed by United States Postal Service, first class, postage prepaid, or electronically notified through the CM/ECF system, a copy of the above and foregoing to the Debtor, attorney for the Debtor, the United States Trustee, and other parties in interest, if any, as identified below.

Dated: February 21, 2019

/s/ W. Jeffrey Collier
W. JEFFREY COLLIER